

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ALFREDO ARIZMENDI, §
§
VS. § CIVIL ACTION NO. 4:05-CV-720-Y
§
NATHANIEL QUARTERMAN,¹ §
Director, T.D.C.J. §
Correctional Institutions Div., §
Respondent. §

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS
(With special instructions to the clerk of Court)

In this action brought by petitioner Alfredo Arizmendi under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on June 6, 2006; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on June 28, 2006.


The Court, after de novo review, concludes that petitioner Arizmendi's objections must be overruled, that the petition for writ of habeas corpus should be denied, and the motion for evidentiary hearing denied, for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

Arizmendi's motion for evidentiary hearing [docket no. 12] is DENIED.

¹As Nathaniel Quarterman has replaced Douglas Dretke as the Director of the Texas Department of Criminal Justice, Correctional Institutions Division, he should be substituted as Respondent. FED R. CIV. P. 25(d)(1). The clerk of Court is directed to make this change on the docket of this case.

Arizmendi's petition for writ of habeas corpus is DENIED.
SIGNED July 6, 2006.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE